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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DARLENE LEWIS, on behalf of herself
and all others similarly situated,

Plaintiff,
vs.

NEVADA PROPERTY 1 LLC, d/b/a The
Cosmopolitan of Las Vegas; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 2:12-cv-01564-RFB-GWF

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

The Application for Preliminary Approval of a Class Action Settlement came before this Court, the Honorable Judge Richard F. Boulware, II, presiding, on August 7, 2015. This Court, having considered the papers submitted in support of the application of the parties, HEREBY ORDERS THE FOLLOWING:

1. This Court grants preliminary approval of the settlement based upon the terms set forth in the Joint Stipulation of Settlement and Release between Plaintiff and

1 Defendant (“Stipulation of Settlement”) filed herewith. The settlement appears to
2 be fair, adequate and reasonable to the Class.

3 2. The Settlement falls within the range of reasonableness and appears to be
4 presumptively valid, subject only to any objections that may be raised at the final
5 fairness hearing and final approval by this Court.

6 3. A final fairness hearing on the question of whether the proposed settlement,
7 attorneys’ fees to Class Counsel, and the Class Representative and Class Deponent
8 Enhancement Awards should be finally approved as fair, reasonable and adequate
9 as to the members of the Class is scheduled in accordance with the schedule set forth
10 below.

11 4. This Court approves, as to form and content: (i) the Notices of Pendency of Class
12 Action, Proposed Class Action Settlement, and Hearing Date for Court Approval for
13 opt-in and non-opt-in Class Members (“Notices of Pendency of Class Action”), in
14 substantially the form attached to the Stipulation of Settlement as Exhibits D and F;
15 (ii) the Claim and Consent Form, in substantially the form attached thereto as
16 Exhibit A; and (iii) the Exclusion Form, in substantially the form attached thereto
17 as Exhibit G. This Court approves the procedure for Class Members to participate
18 in, to opt out of and to object to, the settlement as set forth in the Notices of Pendency
19 of Class Action.

20 5. This Court directs the mailing of the Notices of Pendency of Class Action, Claim
21 and Consent Form, and the Exclusion Form by first class mail to the Class Members
22 in accordance with Stipulation of Settlement and the schedule set forth below. This
23 Court finds the dates selected for the mailing and distribution of the Notices of
24 Pendency of Class Action, Claim and Consent For, and the Exclusion Form, as set
25 forth in the schedule, meet the requirements of due process and provide the best
26 notice practicable under the circumstances and shall constitute due and sufficient
27 notice to all persons entitled thereto.
28

6. It is ordered that the Settlement Class (as defined in the Stipulation of Settlement) is preliminarily certified for settlement purposes only.
7. This Court confirms Plaintiff Darlene Lewis as Class Representative and Thierman Buck, LLP as Class Counsel.
8. This Court confirms Class Action Administration, Inc. as CPT Group.
9. To facilitate administration of the settlement pending final approval, this Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative proceedings (including filing claims with the Nevada Office of the Labor Commissioner and the U.S. Department of Labor) regarding claims released by the settlement unless and until such Class Members have filed valid Requests for Exclusion with the Claims Administrator and the time for filing exclusions with the Claims Administrator has elapsed.
10. This Court orders the following **schedule** for further proceedings:

a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	<u>August 27, 2015</u> [15 calendar days after Order granting Preliminary Approval]
b.	Deadline for Claims Administrator to Mail the Notices of Pendency of Class Action, Claim and Consent Form, and Exclusion Form to Class Members	<u>September 1, 2015</u> [20 calendar days after Order granting Preliminary Approval]
c.	Deadline for Claims Administrator to Mail Reminder Postcard	<u>October 6, 2015</u> [35 calendar days after mailing of the Notice, Exclusion Form, and Claims and Consent Forms to Class Members]
d.	Deadline for Class Members to Postmark Exclusion Forms and Claim and Consent Forms	<u>November 15, 2015</u> [75 calendar days after mailing of the Notice, Exclusion Form, and Claims and Consent Forms to Class Members]
e.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	<u>November 15, 2015</u> [75 calendar days after mailing of the Notice and Exclusion Form to Class Members]
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	<u>November 20, 2015</u> [15 calendar days before Final Approval Hearing]

g.	Deadline for Class Counsel to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	<u>November 20, 2015</u> [15 calendar days before Final Approval Hearing]
h.	Final Fairness Hearing and Final Approval	<u>December 4, 2015</u>
i.	Deadline for Defendant to deposit the Net Settlement Amount into an escrow account set up by the Claims Administrator	<u>December 9, 2015</u> 5 days after the Final Fairness and Final Approval hearing
j.	Deadline for Claims Administrator to mail the Settlement Awards and the Enhancement Awards, and to wire transfer the Attorneys' Fees and Costs (if Settlement is Effective)	<u>December 25, 2015</u> [21 calendar days after Effective Date]
k.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Awards, Attorneys' Fees and Costs (if Settlement is Effective)	<u>March 3, 2016</u> [90 calendar days after Effective Date]

IT IS SO ORDERED.

DATED: August 12, 2015



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

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